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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10 SACRAMENTO DIVISION

12 **MIA ROSE MITCHELL,**

13 Plaintiff, 2:20-cv-00831 TLN JDP

14 v.

15 **STIPULATION TO EXTEND THE  
JURISDICTION OF MAGISTRATE  
JUDGE C. DELANEY OVER  
SETTLEMENT AGREEMENT**

16 **CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,**

17 Defendants. Action Filed: April 22, 2020

18 Plaintiff Mia Rose Mitchell (P-90478) and Defendant CDCR hereby stipulate to request  
19 that Magistrate Judge Carolyn K. Delaney extend her jurisdiction over this case for an additional  
20 one year under 28 U.S.C. § 636(c) for the limited purpose of continuing to monitor the progress  
21 of Ms. Mitchell's gender affirming surgery that was approved prior to settlement. This case was  
22 closed on November 19, 2020. (ECF No. 27.)

23 Plaintiff brought this action to obtain gender affirming surgery. (ECF No. 1.) The parties  
24 reached an agreement to settle this case at a settlement conference held on October 19, 2020,  
25 before Magistrate Judge Carolyn K. Delaney. (ECF No. 23.) At the settlement conference,  
26 Magistrate Judge Carolyn K. Delaney agreed to retain jurisdiction regarding "all settlement

1 issues" for a term of one year. (*Id.*) The parties agree that CDCR approved Ms. Mitchell's  
2 request for gender affirming surgery prior to settlement, and that performance and/or completion  
3 of that surgery was not a term of the settlement agreement. Accordingly, the parties understand  
4 that Magistrate Judge Delaney's jurisdiction was limited to monitoring the progress of Ms.  
5 Mitchell's surgery and enforcing the settlement agreement.

6 At this time, Ms. Mitchell's surgery has not yet been completed. Ms. Mitchell has  
7 undergone an initial consultation with an outside gender affirming surgeon and is again awaiting  
8 further medical clearance from her CDCR doctor as requested by the surgeon.

9 The parties dispute the full scope of Judge Delaney's jurisdiction. As stated above, the  
10 parties agree Judge Delaney's jurisdiction extends to monitoring the progress of Plaintiff's gender  
11 affirming surgery that was approved prior to settlement. It is CDCR's position that Judge  
12 Delaney's jurisdiction also only extended to enforcement of the explicit terms of the settlement  
13 agreement. Ms. Mitchell agrees the settlement agreement itself does not require CDCR provide  
14 her gender affirming surgery, since the surgery was already approved. Ms. Mitchell's position is  
15 that because Judge Delaney's jurisdiction extends to monitoring the progress of Ms. Mitchell's  
16 surgery, Judge Delaney has the power to control and direct CDCR in that process, if necessary.

17 Accordingly, the parties stipulate to extend Magistrate Judge Delaney's jurisdiction over  
18 this case for an additional one year. The parties agree that the terms of this paragraph, and  
19 Magistrate Judge Delaney's limited jurisdiction, apply only to the gender affirming surgery  
20 approved by CDCR prior to settlement and does not apply to different or other surgeries and/or  
21 surgical procedures. The parties further agree and understand that any non-discriminatory or non-  
22 arbitrary and capricious delay or failure to perform and/or complete surgery is not a basis to bring  
23 a motion for relief for any alleged breach of the settlement agreement, the terms with which  
24 CDCR has already fully complied.

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1 **IT IS SO STIPULATED.**

2 Dated: October 18, 2021

3 /s/ *Janet N. Chen*

4 Janet N. Chen  
Deputy Attorney General  
*Attorney for Defendant CDCR*

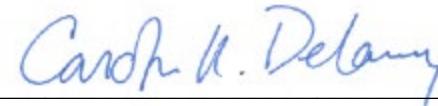
5  
6 Dated: October 18, 2021

/s/ *Eric Menist*

7 Eric Menist  
Fenwick & West LLP  
*Attorney for Plaintiff*

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11 **IT IS SO ORDERED.**

12  
13 Dated: October 22, 2021

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15 CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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